

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

May 19, 2003

At 9:28 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Callahan, Associate Justice; Robie, Associate Justice; and Guzman, bailiff. Calendar called.

C040642 SOUCHEK, etc., et al. v. MARCHBROOK BUILDING COMPANY

Cause called. Peter M. Rehon argued for appellant. William H. Parish argued for respondent. Cause submitted.

At 9:45 a.m., the court recessed. At 9:49 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C040356 THE PEOPLE v. CAMACHO

Cause called. David W. Dratman argued for appellant. Aaron R. Maguire, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:09 a.m., the court recessed. At 10:10 a.m., the court reconvened.

C039689 THE PEOPLE v. ELAM

Cause called. Robert D. Platt, court appointed counsel, argued for appellant. Laura Wetzel Simpton, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:27 a.m., the court recessed. At 10:28 a.m., the court reconvened.

C041162 EMBREY et al. v. KRUSE et al.

Cause called. Megan L.P. Thomas argued for appellants. Kenneth M. Hopkins argued for respondents. Cause submitted.

At 10:47 a.m., the court recessed. At 10:52 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Nicholson, Associate Justice.

C038058 THE PEOPLE v. COCKBURN

Cause called. R. Bruce Finch argued for appellant. Alison Elle Aleman, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:29 a.m., the court recessed. At 1:59 p.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Callahan, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

May 19, 2003, continued

- C037471 DeSOUZA v. UNIVERSITY OF CALIFORNIA et al.**
C037737 DeSOUZA v. REGENTS OF THE UNIVERSITY OF CALIF.
Cause called. Janusz Porembski argued for appellant. Brendan J. Begley argued for respondents. Cause submitted.
- At 2:22 p.m., the court recessed. At 2:28 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Callahan, Associate Justice.
- C041724 SCHAIDER v. SCHAIDER**
Cause called. Stuart L. Smits argued for appellant and submitted additional citations. Gary M. Appelblatt argued for respondent. Cause submitted.
- At 2:53 p.m., the court recessed until 9:30 a.m., Wednesday, May 21, 2003.
- C039531 THE PEOPLE v. EDWARDS (Not for Publication)**
The judgment of conviction is affirmed, and the matter is remanded for resentencing.
CALLAHAN, J.
We concur: Davis, Acting P.J.
Kolkey, J.
- C039845 THE PEOPLE v. THORN (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Nicholson, Acting P.J.
Callahan, J.
- C040561 THE PEOPLE v. PROVENCIO IV (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
Hull, J.
- C042158 THE PEOPLE v. WILLIAMS (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Callahan, J.
Kolkey, J.

3

We concur: Davis, Acting P.J.
 Nicholson, J.

4

May 20, 2003, continued

**C040316 SIGERSETH INSURANCE ASSOCIATION v. UNITED SERVICES
AUTOMOBILE ASSOCIATION (Not for Publication)**

The judgment in favor of USAA is affirmed. The January 15, 2002, order denying USAA's motion for attorney's fees is also affirmed. The parties shall bear their own costs on appeal.

Sims, Acting P.J.

We concur: Kolkey, J.
Robie, J.

**C042259 In re B.S.; SUTTER COUNTY DEPARTMENT OF HUMAN SERVICES v.
DYANA W.**

The juvenile court's orders are affirmed.

KOLKEY, J.

We concur: Davis, Acting P.J.
Morrison, J.

May 21, 2003

At 9:29 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Kolkey, Associate Justice; Robie, Associate Justice; and Facey, bailiff. Calendar called.

C034476 ROSS et al. v. REDDING MEDICAL CENTER

Cause called. James J. Johnson argued for appellants. Randall R. McKinnon argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 1:59 p.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Kolkey, Associate Justice.

C032744 COUNTY OF SACRAMENTO et al. v. SCOTTSDALE INSURANCE COMPANY

Cause called. Brenton A. Bleier argued for appellants. William K. Blakemore argued and Stephen J. Mackey appeared only for respondent. Cause submitted.

At 2:56 p.m., the court recessed until 9:30 a.m. Friday, May 23, 2003.

C039741 THE PEOPLE v. BEARD (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Blease, Acting P.J.
 Sims, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

May 21, 2003, continued

- C040797 THE PEOPLE v. MORANCHEL (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- C037471 DESOUZA v. UNIVERSITY OF CALIFORNIA DAVIS MEDICAL CENTER et al.
C037737 (Not for Publication)**
The judgment is affirmed. Respondents are awarded their costs on
appeal pursuant to the California Rules of Court, rule 27(a).
CALLAHAN, J.
We concur: Blease, Acting P.J.
 Sims, J.
- C041724 SCHAIER v. SCHAIER (Not for Publication)**
The order is affirmed. Appellant shall pay respondent's costs on appeal.
(Cal. Rules of Court, rule 26(a).)
RAYE, J.
We concur: Nicholson, Acting P.J.
 Callahan, J.
- C042069 WESTERN LAND TITLE OFFICE, LLC. v. THE BOARD OF REGENTS OF THE
UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA
 (Not for Publication)**
The judgment is affirmed.
HULL, J.
We concur: Raye, Acting P.J.
 Robie, J.
- C042392 ZIELINSKA v. SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES et al. (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
 Morrison, J.
- C042412 In re CHRISTIAN D.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. KARA M. et al.
 (Not for Publication)**
The orders of the juvenile court are affirmed.
KOLKEY, J.
We concur: Davis, Acting P.J.
 Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

May 22, 2003

C040655 MARTIN v. MORRIS and COUNTY OF BUTTE

(Not for Publication)

The order impressing the lien is affirmed. The County and Morris are to recover are to recover costs on appeal. (Cal. Rules of Court, rule 27(a).)

SIMS, Acting P.J.

We concur: Raye, J.
 Kolkey, J.

C042400 In re JAMES D. et al.; SUTTER COUNTY HUMAN SERVICES AGENCY v. MYRA H.

(Not for Publication)

The order denying appellant's petition for modification and the orders denying the motion for a bonding study and terminating appellant's parental rights are affirmed.

ROBIE, J.

We concur: Scotland, P.J.
 Raye, J.

C042749 In re JODEE O. et al.; EL DORADO COUNTY DEPARTMENT OF SOCIAL SERVICES v. KIMBERLY O.

(Not for Publication)

The orders denying appellant's petition for modification and terminating her parental rights as to Jodee are affirmed.

SCOTLAND, P.J.

We concur: Blease, J.
 Davis, J.

C041136 CALIFORNIA LAW ENFORCEMENT ASSOCIATION v. TALBOT, etc., et al. BY THE COURT:

Appellant's request to publish the opinion filed on May 2, 2003, is denied.
BLEASE, Acting P.J.

May 23, 2003

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Davis, Associate Justice; Nicholson, Associate Justice; and Facey, bailiff. Calendar called.

C039464 THE PEOPLE v. GROVE

Cause called. Thomas O. Gillis argued for appellant. Matthew L. Cate, Deputy Attorney General, argued for respondent. Cause submitted.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

May 23, 2003, continued

At 9:35 a.m., the court recessed. At 9:37 a.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Kolkey, Associate Justice.

C041540 YUKI et al. v. BC STOCKING DISTRIBUTING

Cause called. Jeffery James Scharff argued for appellants. Eric R. Wiesel argued for respondent. Cause submitted.

At 10:06 a.m., the court recessed. At 10:12 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Kolkey, Associate Justice.

C041053 THE PEOPLE v. HOWARD

Cause called. Charles M. Bonneau argued for appellant. Judy Kaida, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:33 a.m., the court recessed. At 10:34 a.m., the court reconvened.

C041708 HASTING v. DEPARTMENT OF CORRECTIONS

Cause called. John C. Ferry argued for appellant. Fiel D. Tigno, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:59 a.m., the court recessed. At 11:03 a.m., the court reconvened with Davis, Associate Justice; Callahan, Associate Justice; and Kolkey, Associate Justice.

C042660 BLACK DIAMOND ASPHALT, INC. v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and CALIF. INSURANCE GUARANTEE ASSOC.

Cause called. Roger S. Matzkind argued for petitioner. Frederick G. Hall argued for real party in interest. Cause submitted.

At 11:45 a.m., the court recessed. At 2:02 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Raye, Associate Justice.

**C036614 THE PEOPLE v. VALDEZ
C037039 THE PEOPLE v. PERAZA**

Cause called. Charles M. Bonneau, court appointed counsel, argued for appellant Valdez. Cliff Gardner, court appointed counsel, waived argument for appellant Peraza. David Andrew Eldridge, Deputy Attorney General, argued for respondent. Cause submitted.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

May 23, 2003, continued

At 2:56 p.m., the court recessed until 9:30 a.m., Tuesday, May 27, 2003.

C039117	<div style="display: inline-block; width: 60%;"><p>THE PEOPLE v. MOSS</p><p>The judgment is reversed.</p><p style="padding-left: 40px;">SCOTLAND, P.J.</p><p>I concur: Kolkey, J.</p><p style="padding-left: 40px;">Having authored the majority opinion, I write separately in response to my colleague's dissent.... Construing subdivision (g) (2) of section 290 as favorably to defendant as its language and the circumstances of its application permit means that the statute must be interpreted to allow an "I forgot" defense.</p><p style="padding-left: 40px;">Scotland, P.J.</p><p style="padding-left: 40px;">Because I conclude that an "I forgot" defense is not available to defendant, I would affirm the judgment. I therefore respectfully dissent from the majority opinion....</p><p>Davis, J.</p></div> <div style="display: inline-block; width: 35%; vertical-align: top; text-align: right;"><p>(Certified for Publication)</p></div>
----------------	---